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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Democratic Republic of the Congo

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Introduction

1. The national report on the situation of human rights in the Democratic Republic of the Congo, drafted in the context of the second cycle of the universal periodic review (UPR), is submitted in accordance with paragraph 6, section I of Human Rights Council resolution 16/21 and paragraph 2 of Human Rights Council decision 17/119.

I. Methodology and broad consultation process followed for the preparation of the national report

2. The present report was drafted in stages, as described below:

(a) Follow-up by the Interministerial Human Rights Committee on the implementation of the recommendations made to the Democratic Republic of the Congo when it underwent the first cycle of the UPR;

(b) Organization of a workshop in Kinshasa in July 2013 to evaluate the recommendations formulated by the Human Rights Council when the Democratic Republic of the Congo underwent the UPR on 3 December 2009;

(c) Organization of consultations in Kinshasa and in the provinces on follow-up to implementation of the recommendations of the Human Rights Council, in the context of the second cycle of the UPR;

(d) Drafting of a midpoint assessment document on implementation of the recommendations;

(e) Recruitment of a national consultant to assess the level of implementation of the 132 recommendations accepted by the Democratic Republic of the Congo;

(f) Holding of consultations in Kinshasa and in three provinces (Katanga, North Kivu and South Kivu) by the national consultant on implementation of the recommendations;

(g) Organization by the Interministerial Human Rights Committee of consultations in Kinshasa with non-governmental human rights organizations concerning the promotion and protection of human rights on the ground;

(h) Preparation of the draft national report by the Interministerial Human Rights Committee;

(i) Organization in Kinshasa, with the assistance of the United Nations Joint Human Rights Office, of a validation workshop for the draft national report for the second UPR cycle from 21 to 22 January 2014, bringing together the representatives of public institutions, non-governmental human rights organizations, United Nations partners and agencies and provincial delegates.

II. Development of the normative and institutional framework for human rights

A. Normative framework

3. The Democratic Republic of the Congo is governed by the Constitution of 18 February 2006, as amended by Act No. 11/002 of 20 January 2011. The Constitution dedicates 57 articles to human rights and fundamental freedoms.

4. Apart from the Constitution, a number of ordinary and organizational acts with a real impact on the promotion and protection of human rights have been promulgated since 2009. The acts concerned are the following: Organizational Act No. 11/001 of 10 January 2011 concerning the organization, powers and functioning of the High Council for Broadcasting and Communications (CSAC); Act No. 10/010 of 27 April 2010 concerning public procurement; Act No. 11/008 of 9 July 2011 criminalizing torture; Act No. 011/22 of 24 December 2011 concerning basic principles relating to agriculture; Act No. 11/007 of 6 July 2011 concerning the implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction in the Democratic Republic of the Congo; Act No. 011/009 of 9 July 2011 concerning basic principles relating to the protection of the environment; Act No. 11/003 of 25 July 2011 amending Act No. 06/006 of 9 March 2006 concerning the organization of presidential, legislative, provincial, urban and local elections; Act No. 11/014 of 17 August 2011 concerning the allocation of seats by constituency; Organizational Act No. 13/010 of 19 February 2013 concerning proceedings before the Court of Cassation; Organizational Act No. 13/011-B of 11 April 2013 concerning the organization, functioning and competence of ordinary courts; Organizational Act No. 13/012 of 19 April 2013 amending and supplementing Organizational Act No. 10/013 of 28 July 2010 concerning the organization and functioning of the Independent National Electoral Commission; Act No. 13/005 of 15 January 2013 concerning the military code of the Armed Forces of the Democratic Republic of the Congo; Act No. 13/013 of 1 June 2013 concerning National Police personnel regulations; Organizational Act No. 13/026 of 15 October 2013 concerning the organization and functioning of the Constitutional Court; Act No. 13/011 of 21 March 2013 concerning the establishment of the National Human Rights Commission.

5. The Democratic Republic of the Congo has also continued its efforts with regard to the ratification of international human rights conventions. These include accession to the Treaty on Harmonization of Business Law in Africa by Act No. 10/002 of 11 February 2012 authorizing the accession by the Democratic Republic of the Congo to the Organization for the Harmonization of Business Law in Africa (OHADA) Treaty and, on 23 September 2010, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Act No. 13/024 of 27 July 2013 authorizing the accession by the Democratic Republic of the Congo to the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto.

B. Institutional framework

6. At the institutional level, it should be pointed out that, from 2009 to date, a number of bodies were established by the Democratic Republic of the Congo, as follows: the High Council for Broadcasting and Communications (CSAC), by Act No. 11/001 of 10 January 2011; the Independent National Electoral Commission, by Organizational Act No. 10/013 of 28 July 2010 as amended and completed to date; and the Economic and Social Council, by Organizational Act No. 13/027 of 30 October 2013. Organizational Act No. 13/026 of

15 October 2013 concerning the organization and functioning of the Constitutional Court was enacted. The National Agency to Combat Violence against Women and Girls was established by Decree No. 09/38 of 10 October 2009, and the Human Rights Liaison Body was established by Prime Ministerial Decree No. 09/35 of 12 August 2009. Juvenile courts were established by Act No. 09/001 of 10 January 2009, although the ordinary benches were fixed by Prime Ministerial Decree No. 11/01 of 5 January 2011. The Protection Unit for Human Rights Defenders was established by Ministerial Order No. 219/CAB/MIN/J&DH/2011 of 13 June 2011.

III. Promotion and protection of human rights on the ground and respect for international obligations

A. Civil and political rights

Right to life and protection of physical integrity

7. This right is guaranteed under article 16 of the Constitution, which provides that the human person is sacrosanct. Moreover, the latter enjoys special protection, strengthened by article 61 of the Constitution, which makes protection of the human person a core element of human rights. In this regard, although the death penalty remains enshrined in domestic positive law, the Democratic Republic of the Congo observes a de facto moratorium and the death penalty has not been implemented for 11 years.

8. Similarly, in order to ensure that the physical integrity of the human person is protected effectively and in accordance with international standards, the Democratic Republic of the Congo established torture as a separate offence by the enactment of Act No. 11/08 of 9 July 2011 criminalizing torture. Since that time, it has been firmly committed to combating the scourge of torture. To illustrate that commitment, at least five members of the Armed Forces of the Democratic Republic of the Congo, five officers from the Congolese National Police, one National Intelligence Agency officer and an agent from an administrative authority have been convicted for having committed or encouraged torture. In this regard, penalties ranging from 6 months' to life imprisonment have been imposed by courts in the provinces of Bas-Congo, Equateur, Kasaï-Occidental, Kasaï-Oriental, Katanga and Maniema.

9. In order to give effect to the laws enacted in 2006 pertaining to sexual violence and with a view to providing holistic care to victims of sexual violence, the Government adopted a National Strategy to Combat Sexual and Gender-Based Violence in November 2009, in addition to a plan of action aimed at combating impunity, prevention and protection, reform of the security sector and sexual violence, multisectoral assistance, data and mapping. On 30 March 2013, the Government reaffirmed its commitment to step up its efforts to combat sexual violence with the signature of a joint statement by the Prime Minister and the Special Representative of the Secretary-General of the United Nations on Sexual Violence in Conflict.

10. Moreover, in the context of combating offences against the person including homicide, Organizational Act No. 13/011-B of 11 April 2013 concerning the organization, functioning and competence of ordinary courts was enacted. Under this Act, the Courts of Appeal are competent to hear cases of first degree crimes of genocide, war crimes and crimes against humanity committed by persons under their jurisdiction and that of the courts of major jurisdiction who, formerly, were subject only to the jurisdiction of the military courts. In practice, proceedings have been brought against presumed perpetrators of acts of sexual violence and convictions have been handed down in those cases. Recently, following investigations by the South Kivu Senior Military Prosecutor's Office, a case was

brought in Goma against 12 officers from the Armed Forces of the Democratic Republic of the Congo who were unit commanders when Goma was taken by the March 23 Movement (M23) in November 2012, whose men committed acts of sexual violence and other offences in Minova.

Civil liberties

11. Among the freedoms guaranteed by the Constitution, the following should be highlighted:

- Freedom of association (art. 37) is effectively enjoyed by Congolese citizens. Whereas in 2009 there were a mere 295 political parties in the Democratic Republic of the Congo, there are 451. The effective enjoyment of this freedom is also evident with regard to civil society organizations, of which there are 21,618. All of these political parties and civil society organizations operate freely, subject to respect for the law, for public order and public morality;

- The right to vote is enshrined in article 5 of the Constitution. It is exercised freely by every Congolese citizen in democratic, free and transparent elections held at intervals established by law. For the sake of impartiality, these elections are organized by an independent body, the Independent National Electoral Commission, which was created to support democracy pursuant to article 211 of the Constitution. In order to guarantee greater electoral transparency, Organizational Act No. 10/013 of 28 July 2010 concerning the organization and functioning of the Independent National Electoral Commission was amended by Organizational Act No. 13/012 of 19 August 2013, which, substantially increased civil society participation and the participation of women, whose presence as members of the Commission has reached 30 per cent;

- Freedom of expression and information are guaranteed under article 23 of the Constitution. It should be noted that these freedoms are equally effectively enjoyed. At present, the Democratic Republic of the Congo has 445 newspapers and periodical publications. The number of broadcasting bodies has increased, from 287 in 2009 to 447 to date; 260 are radio stations and 187 television channels. Through these media, Congolese citizens and those who have chosen the Democratic Republic of the Congo as their second homeland can express themselves without restriction, subject to respect for the law, for public order and public morality;

- The right to fair representation of women in institutions (art. 14 of the Constitution). In view of this right, the Democratic Republic of the Congo makes considerable efforts to ensure effective gender parity. Accordingly, on 15 December 2013 Parliament adopted the Act on the implementation of women's rights and parity, which is pending promulgation. In practical terms, it should be noted that four women have recently been appointed to the rank of General, three in the Armed Forces of the Democratic Republic of the Congo and one in the Congolese National Police.

It should be underscored that the principle of women's representation is already enshrined in the laws regulating all institutions supporting democracy and the Economic and Social Council.

Access to justice and to a fair trial

12. As law enforcement and human rights are indivisible, the Government of the Democratic Republic of the Congo has undertaken a number of actions to facilitate the access of Congolese citizens to justice and to a fair trial, including the rehabilitation or progressive construction of buildings housing courts and prosecution services in Kinshasa

and the provinces. In this regard, it should be noted in particular that the Government, with the assistance of partners including the European Union, is constructing the building that will house the High Courts of Justice (the Constitutional Court, the Court of Cassation and the Council of State). At the same time, it is establishing 12 juvenile courts and 11 commercial courts. In 2010–2011, it recruited 2,000 trained, appointed judges, including 400 women. In view of the vast size of the country, the task remains cumbersome in terms of infrastructure.

13. Also in the context of the reform of the judicial system, a number of laws have been promulgated, including: Organizational Act No. 13/011-B of 11 April 2013 concerning the organization, functioning and competence of ordinary courts; Organizational Act No. 13/010 of 19 February 2013 concerning proceedings before the Court of Cassation; and the Organizational Act concerning the organization and functioning of the Constitutional Court.

B. Economic, social and cultural rights

Right to education

14. In order to ensure that the right to education is effective and non-discriminatory, the Government has developed a national education strategy and constructed training centres for inspectors and teachers in the towns of Mbandaka, Kinshasa, Kikwit and Mbuji-Mayi. Moreover, it is implementing the Reconstruction and Rehabilitation of School Facilities Project for the construction of 1,000 schools, 4 in each territory. To date, 128 schools have been built.

15. Free primary education was introduced in 2010. It is being introduced progressively, in view of the multiple constraints that the Government continues to face that are not conducive to the effective implementation of this measure throughout the country.

Right to health

16. The Government has made various efforts to facilitate access to health care, including by equipping and refitting 66 public hospitals and 330 health centres, with the support of the United Nations Children's Fund (UNICEF) and the GAVI Alliance; refitting a further 120 public hospitals and 1,280 health centres with the support of the Global Fund; and rehabilitating Kinshasa Medical Training Institute.

17. The Government has taken a number of steps to support the public health sector, including in connection with the prevention and treatment of malaria, (distribution of treated mosquito nets), vaccination with vitamin A, the establishment of minimum requirements for emergency surgery and emergency obstetrical care, mass campaigns and provision of medical kits for persons living with HIV/AIDS, and vaccination campaigns against tuberculosis and poliomyelitis.

18. Between 2010 and 2011, male life expectancy increased from 48 to 53 years, while female life expectancy increased from 48 to 56 years (source: World Health Organization and United Nations Development Programme).

Right of access to drinking water

19. With regard to access to drinking water, in view of the low coverage rates throughout the entire country, the Government has launched a considerable number of programmes and projects to support the development of rural infrastructures, known by the acronym PADIR. As a result, 212 water supply points, 77 boreholes and 18 drinking water supply facilities have been set up in the provinces of Bandundu, Bas-Congo, Kasaï-Occidental, Kasaï-Oriental and Katanga.

Right to work

20. In seeking solutions for basic social needs, the Government introduced a public works policy, the implementation of which created new jobs for the national labour force. From 2011 to 2013, 156,887 jobs were created in this manner. With regard to freedom of association, the Democratic Republic of the Congo currently has 129 public sector and 233 private sector and parastatal trade union organizations and their capacities are being strengthened in accordance with International Labour Organization (ILO) standards. In this regard, it should be noted that civil service elections were organized, for the first time in the Democratic Republic of the Congo, in accordance with Decree No. 013/CAB.MIN/Fp/j-ck/40/dn/gnk/019/013 of 1 July 2013 establishing the Civil Service Trade Union Electoral Code.

C. Collective rights

21. Given that peace remains the indispensable condition for the realization of all other human rights, the Government has made efforts on political, diplomatic and military fronts to put an end to the recurrent armed conflicts that have bloodied the eastern provinces for some 15 years. At the political and diplomatic levels, a number of initiatives have led to the signature of agreements, notably the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, known as the Addis Ababa framework agreement, which was concluded on 24 February 2013, and the Nairobi declarations of 12 December 2013. In that context, a national mechanism for oversight and monitoring of the commitments made under the aforementioned agreement was established by Ordinance No. 13/020, which was signed by the President of the Republic on 13 May 2013. In the same connection, a committee was established to follow up on the recommendations made following the national consultations held in Kinshasa from 6 September to 6 October 2013. Moreover, in the context of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) a rapid intervention brigade was established to combat armed groups in the Democratic Republic of the Congo, pursuant to United Nations Security Council resolution 2098 (2013). At the military level, the defence sector reforms that were implemented with support from international partners enabled the country to restructure its defences. This led to the elimination of negative M23 forces in December 2013 and the restoration of Government authority in formerly occupied areas.

D. Rights of specific groups

Children's rights

22. Pursuant to the Convention on the Rights of the Child and in order to further strengthen child protection, the Democratic Republic of the Congo gives priority to the promotion and protection of children's rights. A number of important regulatory texts have been introduced, including Prime Ministerial Decree No. 11/01 of 5 January 2011 establishing the jurisdiction and seats of juvenile courts. In addition, the Ministers of Justice and Human Rights and the Minister of Gender, Family Affairs and Children signed Interministerial Order No. 490/CAB/MIN/J & DH/2010 and Interministerial Order No. 011/CAB/MIN.GEFAE, establishing a mediation committee on juvenile justice, on 29 December 2010. Pursuant to the aforementioned Decree, the Minister of Justice and Human Rights signed Order No. 001/CAB/MIN/J & DH/2011 establishing secondary seats for juvenile courts and Order No. 002/CAB/J & DH/2011 defining the jurisdiction and grouping of jurisdiction of juvenile courts for the enforcement of custodial, educational and protective measures. However, all childcare and educational establishments in the Democratic Republic of the Congo are in need of rehabilitation and reconstruction. In

December 2010, the Government issued a Ministerial Order establishing a legal assistance committee for widows and orphans, in order to provide protection for this group.

23. In addition, the National Fund for Promotion and Social Services developed in the course of its work a strategic and financial plan for the period 2012–2016 for the mobilization of resources for various social projects, including child protection projects.

24. Lastly, in the interests of child protection, the Government introduced formal training for social workers in October 2013 by the creation of a higher education establishment, known as the National Institute of Social Work.

Rights of persons with disabilities

25. With regard to persons with disabilities, it should be noted that Act No. 13/024 of 7 July 2013 approving the accession by the Democratic Republic of the Congo to the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto was enacted. Moreover, it should be mentioned that in accordance with article 14 of Organizational Act No. 13/011 of 21 March 2013 concerning the establishment, organization and functioning of the National Human Rights Commission, persons with disabilities are represented on that body.

IV. Follow-up and implementation of recommendations and commitments undertaken in the previous review

Recommendations related to relevant human rights instruments and international humanitarian law, to improvement of the legislative and regulatory framework and abolition of the death penalty (recommendations 1–8, 10–12 and 30–32)

26. On 23 September 2010, the Democratic Republic of the Congo acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Organizational Act No. 13/024 of 7 July 2013 authorized the accession of the Democratic Republic of the Congo to the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto and the accession process is under way. Moreover, the Democratic Republic of the Congo has taken steps to improve the legislative and regulatory framework for respect for human rights, notably through Ministerial Order No. 040/CAB/MIN/JIDH/2011 of 12 February 2011 concerning implementation measures for Decree No. 09/35 of 12 August 2009 concerning the establishment, organization and functioning of the Human Rights Liaison Entity in the Democratic Republic of the Congo; Act No. 11/008 of 9 July 2011 concerning the criminalization of torture; and Decree No. 11/01 of 5 January 2011 establishing the seats of juvenile courts. Besides this legislation, other legislative initiatives are under way. The Family Code is being revised, and the bill on procedures for the implementation of women's rights and gender parity has been passed and is currently pending promulgation. With regard to the abolition of the death penalty, it should be noted that the de facto moratorium on the death penalty remains in place.

Recommendations on the establishment of the National Human Rights Commission (recommendations 13–18)

27. The Democratic Republic of the Congo established the National Human Rights Commission by Organizational Act No. 13/011 of 21 March 2013. The leaders of the

Commission will be chosen by the National Assembly once nominated by their peers during the special session convened since 6 January 2014.

Recommendations on human rights education (recommendation 19)

28. Since 2009, the Civic Education and Social Action Service of the Armed Forces of the Democratic Republic of the Congo has trained 350 peer training officers in human rights and international humanitarian law, in the different military districts. Moreover, pursuant to article 45, paragraphs 6 and 7 of the Constitution, human rights are taught both at Kananga Military Academy and Kinshasa Military Staff School. It should also be noted that the Ministry of Defence and Veterans' Affairs and the Ministry of Justice and Human Rights, with support from national and international partners (MONUSCO and others), hold training sessions in this area on a regular basis, particularly for judges and court officials. Moreover, the national Universities Administration Board, the body responsible for developing university curricula, has just approved a course on human rights in the Faculty of Law. Furthermore, the Ministry of Justice and Human Rights organized an outreach campaign for defence and security forces and prison service officials throughout the country on the law criminalizing torture from July 2012 to November 2013.

Recommendations on cooperation with international and regional human rights mechanisms, civil society and regular submission of periodic reports (recommendations 20–23 and 122)

29. The Democratic Republic of the Congo maintains close cooperation with the different national and international partners involved in the different meetings to assess and follow up on the recommendations, with which it shares indispensable information in that regard. It also cooperates with all the international and regional human rights mechanisms established by the conventions to which it is a party. The Democratic Republic of the Congo continues to cooperate with the special procedures of the Human Rights Council and the other relevant regional mechanisms. In this regard, it has always responded favourably to all requests for visits made by mandate holders. It submits its reports to the treaty bodies on a regular basis. In July 2013, it submitted its combined sixth and seventh periodic reports on implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

30. With regard to the follow-up and implementation of recommendations, civil society remains involved at all stages of follow-up to the recommendations accepted by the Democratic Republic of the Congo, through consultations and meetings held for this purpose, as well as being involved at the approval stage of human rights reports.

Recommendations on the protection of vulnerable groups and combating discrimination against women (recommendations 24–29)

31. The Democratic Republic of the Congo has taken legislative initiatives with a view to ensuring the promotion and protection of vulnerable populations. These initiatives include Act No. 13/024 approving the accession of the Democratic Republic of the Congo to the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto; Act No. 13/005 of 15 January 2013 and Act No. 13/013 of 1 June 2013 concerning the status of military personnel in the Armed Forces of the Democratic Republic of the Congo and career staff in the Congolese National Police, respectively; the Act establishing procedures for the implementation of gender parity, which is currently being promulgated.

In the same area, the Government has taken regulatory measures, including: Decree No. 13/008 of 23 January 2013 concerning the establishment of the national framework for humanitarian cooperation; Decree No. R9C/024/GC/CABMIN/AFF.SAH6 SN/09 of 9 November 2009 concerning the establishment of national guidelines for the protection and care of children from broken homes; Ministerial Decree No. 143 of 10 November 2010 establishing the steering committee for the street children project; and Ministerial Decree No. 063/CAB.MIN.AFF.SAH.SN/2012 of 17 September 2012 concerning the establishment, organization and functioning of the social workers' corps in the Democratic Republic of the Congo. Moreover, a number of strategies have been put in place, including the strategy for the implementation of the national policy on youth and the strategic plan for development, literacy and non-formal education (2012–2020), which is already being implemented. Furthermore, the Democratic Republic of the Congo has adopted and implemented the National Plan of Action for Orphans and Vulnerable Children.

Recommendation regarding strengthening the protection of the civilian population (recommendations 33 and 35)

32. In order to consolidate the authority of the State throughout the Democratic Republic of the Congo and to guarantee the rule of law, a civil administration has been established in liberated territories formerly under the control of armed groups in the east of the country. The Government has established special police units for the protection of women and children, which are operational in the east of the country and will cover the entire country, in order to strengthen the protection of the civilian population, particularly women and children, from violence.

Recommendations on the protection of children (recommendations 34 and 66–68)

33. Besides the policies and measures enumerated below, reference should be made to elements of the responses to recommendations 24–29. The measures concerned are: the progressive introduction of free primary education, launched in the public sector; the improvement of access to education in accordance with the Interim Education Plan; the construction of schools and health centres, funded by the Government; and the complete eradication of the phenomenon of child soldiers in the army.

34. The Democratic Republic of the Congo has taken effective measures to protect children from accusations of witchcraft through article 160 of the Child Protection Act No. 09/001 of 10 January 2009, which provides that: "Anyone who maliciously and publicly ascribes an act to a child that would offend the child's honour and dignity shall be liable to a penalty ranging from 2 to 12 months' imprisonment and a fine ranging from 200,000 to 600,000 Congolese francs (CGF). Anyone who accuses a child of witchcraft shall be liable to a penalty ranging from 1 to 3 years' imprisonment and a fine ranging from 200,000 to 1,000,000 CGF."

Recommendations on sexual violence and action to enforce the law (recommendations 9, 37–52 and 88–90)

35. The Democratic Republic of the Congo drafted the National Strategy against Sexual and Gender-Based Violence 2009 and established a mechanism for the provision of holistic care to victims through its various components. A number of advocacy campaigns have been conducted to mobilize donors and partners on the issue of sexual violence. The

National Women's Council at all levels (provincial and local) conducts awareness-raising campaigns and training sessions on the Convention on the Elimination of All Forms of Discrimination against Women, gender and elections. In this connection, the High-Level Consultation of Ministers in Charge of Justice and Gender from the Great Lakes region on Sexual and Gender-Based Violence was held in Kinshasa, from 25 to 28 July 2012. Specifically in relation to the Kampala Declaration, member countries adopted the "Zero Tolerance Now" campaign against sexual and gender-based violence in the Great Lakes region.

36. The Democratic Republic of the Congo continues to combat human trafficking and violence against women and children, in particular through legislative and structural reforms, namely: the Child Protection Act No. 09/001 of 10 January 2009 (arts. 162, 169–175, 177–184), which prescribes a penalty for trafficking in children ranging from 10 to 20 years' imprisonment and a fine ranging from 500,000 to 1,000,000 CGF; the National Agency to Combat Violence against Women and Girls, established by Decree No. 09/38 of 10 October 2009, and the National Fund for the Promotion of Women and the Protection of Children.

37. The Democratic Republic of the Congo has sought to give effect to its regional and international commitments to combat all forms of violence against women by developing a national gender policy, adopting the sub-regional plan of action for the implementation of resolution 1325 (2000) and establishing national, provincial and local joint technical coordination committees to combat sexual violence and provincial and local commissions to combat sexual violence

38. The Democratic Republic of the Congo has made considerable efforts to eliminate violence against women and children by prosecuting all presumed perpetrators of sexual violence whose cases are brought before the competent courts, although the situation in the east of the country, specifically in North Kivu and South Kivu and in Province Orientale diminishes the impact of these actions. In this context, rapists and the perpetrators of other sexual offences are prosecuted and convicted by civilian and military courts modelled on the ad hoc military court set up in the east of the country. Moreover, 12 commanding officers of units in the east of the country were prosecuted in accordance with the principle of superior responsibility for human rights violations committed in Minova by troops under their command when Goma was taken. Similarly, international arrest warrants were issued in respect of four M23 officials, namely, Jean-Marie Runiga, Baudouin Ngaruye, Zimurinda and Eric Badege, all of whom are currently residing in Rwanda. The Armed Forces of the Democratic Republic of the Congo play an active part in the implementation of the national strategy against sexual violence, led by the Ministry of Gender, Family Affairs and Children. Moreover, they implement the plan of action on children involved in armed conflict, the main objective of which is to protect children's rights.

Recommendations on improving prison conditions (recommendations 53 and 54)

39. The Democratic Republic of the Congo is concerned to improve living conditions in prisons. Therefore, the Minister of Justice and Human Rights issued Judicial Organization Order No. 029/CAB/MIN/J&DH/2013 of 28 January 2013 concerning the establishment, organization and functioning of local budget management oversight committees for provincial central prisons and detention camps. The Order introduces significant innovations to prisons management in that it establishes a committee in every prison for the administration of resources allocated to the nutrition of prisoners.

40. In the interest of good governance, administration committees are composed of the Provincial Governor or his representative; the Public Prosecutor; the Head of the Provincial Division of Justice; the Prison Warden and two civil society representatives.

41. With regard to infrastructure and with a view to solving the problem of prison overcrowding, the Democratic Republic of the Congo, with the support of partners, has refitted and constructed prisons. Notably, it has done so in Goma prison, Dungu prison in Province Orientale and Makala prison in Kinshasa as well as in Ndolo military prison in Kinshasa and Angenga military prison in Equateur. Nevertheless, with regard to the obsolete laws regulating the prison system, it should be noted that the Democratic Republic of the Congo is currently engaged in a prison reform process with priority emphasis being given to the revision of Decree Law of 17 September 1965 concerning the prison system and the training of prison staff. Seventeen prison directors have been redeployed in the context of the reform and restructuring of the Prison Administration.

Recommendations on children involved in armed conflict (recommendations 55–65)

42. In this connection, a joint plan of action to combat the recruitment and use of children and other serious violations of children's rights by the national armed forces and security services was signed by the Democratic Republic of the Congo and the United Nations special team on children and armed conflict on 4 October 2012. Under the plan, children associated with armed forces and groups including Mai Mai Bakata Katanga were recently separated from adult elements.

Recommendations on the independence of the judiciary, the fight against impunity and reform of the armed forces of the Democratic Republic of the Congo and security forces (recommendations 69–88 and 91–98)

43. In the Democratic Republic of the Congo, the High Council of the Judiciary, which is the sole management body of the judiciary, is made up exclusively of judges. It meets on an annual basis in order to examine all issues relating to the functioning of the judiciary and formulates draft decisions for approval by the President of the Republic.

44. In order to strengthen the independence of the judiciary, the salaries of all 3,750 civilian and military judges were increased by 20 per cent, on average, in 2011. Moreover, the Democratic Republic of the Congo has taken a number of steps in order to strengthen the capacities of the law enforcement agencies and the judicial organs, by continuing to establish special courts, including commercial, labour and juvenile courts; by the creation of a judicial support unit within the military justice system, which is currently being tested in the East; and by the appointment of judges by a number of presidential decrees on 1 June 2013, in order to make the newly-created magistrates', commercial, juvenile and labour courts operational.

45. The Democratic Republic of the Congo is continuing to reform the judicial system and the defence and security sector. A number of initiatives have been taken in this context, including:

- With regard to reform of the judicial system, on the one hand the following laws have been promulgated: Organizational Act No. 13/011-B of 11 April 2013 on the organization, functioning and competence of ordinary courts; Organizational Act

No. 13/010 of 19 February 2013 concerning proceedings before the Court of Cassation; and the Organization and Functioning of the Constitutional Court Act;

- Moreover, the High Court of Justice has been divided to form three new Courts, namely the Council of State, the Court of Cassation and the Constitutional Court, and juvenile and labour courts have been established;
- In order to give effect to the plan of action for judicial reform, the Democratic Republic of the Congo has taken steps such as those described in paragraphs 12 and 13;
- With regard to defence and security sector reform, the promulgation of Act No. 11/013 of 11 August 2011 concerning the organization and functioning of the National Police, Act No. 13/013 of 1 June 2013 concerning the status of career staff in the National Police, Act No. 011/012 of 11 August 2011 concerning the organization and functioning of the Armed Forces of the Democratic Republic of the Congo and Act No. 11/008 of 9 July 2011 concerning the criminalization of torture should be taken into account;
- It should also be noted that under the Planning Act, the Democratic Republic of the Congo will mobilize the necessary resources to continue with the reform of the army. The reform will be implemented in three phases over a total period of approximately 13 years:
    - Beyond the normative framework, the Democratic Republic of the Congo is working to improve accommodation and remuneration conditions for personnel in the Armed Forces and the National Police. Nevertheless, it should be noted that the construction of barracks requires planning laws to be enacted in order to manage the considerable investments required. At this point it is appropriate to mention that new accommodation is being constructed, with the support of the Kingdom of the Netherlands, for officers and troops of the Armed Forces of the Democratic Republic of the Congo at Camp Saio and Camp Nyamunyunyi in South Kivu province and at Colonel Tshatshi Camp in Kinshasa at the expense of the Congolese Government;
    - With regard to military and police salaries, the Democratic Republic of the Congo will first work on the use of banking facilities to control staff numbers, and will envisage salary increases at a later stage;
    - Similar efforts are being made to implement the modernization of human resources management project in the national police force, which includes the identification of every police officer and the issuance of non-falsifiable biometric cards. The project was launched on 8 July in Kinshasa and will be introduced throughout the country. Moreover, efforts are being made to establish a database; to adopt the budgeted five-year plan of action for police reform; to recruit, in the first instance, 500 new police officers by province; and to establish "community policing", seen as a new working method for the territorial units that takes into consideration the security requirements requested by the populace. Community policing has been introduced on an experimental basis in five pilot provinces, namely: Matadi in Bas-Congo, Kananga in Kasaï-Occidental, Bukavu in South Kivu, Bunia in Province Orientale and Kinshasa Commune in Kinshasa. Additionally, efforts are being made to train coaches who can provide professional support to Congolese National Police personnel in implementing the doctrine of community policing, and to provide basic long-term training in Munigi (Goma) and Kapalata (Kisangani) to police officers in provincial police headquarters in North Kivu, South Kivu and Maniema. Other training courses

have been conducted in Kasangulu in Bas-Congo as well as in other provinces;

- Efforts to reform the National Intelligence Agency and the Directorate-General of Migration are evident in due regard for human rights. This has been achieved by putting a human face on the relationship between these agencies and the community and, in particular, by raising the awareness of agency personnel on the law criminalizing torture. Both agencies form part of the human rights liaison entity (the coordination framework that links the public authorities, civil society and development partners);

- With regard to the fight against impunity, it should be noted that in the Democratic Republic of the Congo, incidents of sexual violence committed in government-controlled territory and brought to the attention of the judicial authorities are subject to investigation and prosecution, and convictions are handed down by the competent courts. Moreover, circuit court hearings are organized in remote areas in order to ensure that violations of the law do not persist. During the first semester of 2013, 317 victim case files were prepared of which 269 were referred to the courts (involving 491 victims, 322 in South Kivu and 169 in North Kivu). Of those cases, 77 have come before the courts and 45 convictions have been handed down. Free legal aid was provided to 491 victims and their families and legal advice was dispensed to 203 victims and their families (108 in South Kivu and 95 in North Kivu). Also in the context of the fight against impunity, the Democratic Republic of the Congo enacted a new law giving the Courts of Appeal jurisdiction over international crimes committed in its territory, namely, Organizational Act No. 013/011-B of 11 April 2013 on the organization, functioning and competence of ordinary courts. In this context, it should be recalled that the Democratic Republic of the Congo cooperates closely with the International Criminal Court and provides full support for all of its requests for judicial cooperation. The Democratic Republic of the Congo enforces the law and also takes steps to prevent sexual violence and support victims of sexual violence. The United Nations Population Fund report of 2012 indicates that mechanisms have been established, with the support of partners and through various projects, to provide victims with holistic care. In addition, political, administrative, traditional, military, police, religious and community leaders have been made aware of the need to support action against sexual violence. The technical capacity of 90 medical health facilities, of which 30 are referral facilities, has been strengthened in North Kivu and South Kivu; at least 14,000 cases of sexual violence have received medical treatment, of which at least 3 per cent involved fistula repairs. Some 12,000 victims receive social and psychological care appropriate to their age and situation, with a view to reintegration in their families and communities, and 90 community networks have been strengthened. Legal and judicial assistance has been provided to at least 700 victims and their families, action against impunity has been strengthened and at least 2,520 victims of sexual violence (18 per cent) receive social and economic support for their reintegration and rehabilitation.

Recommendations on the protection of human rights defenders, journalists and members of political parties (recommendations 100–107)

46. The Democratic Republic of the Congo has made efforts to protect journalists and human rights defenders, freedom of expression and association and the right to peaceful demonstration and to punish infringements of these fundamental freedoms. In this context,

it is appropriate to mention the following legislation: Organizational Act No. 11/001 of 10 January 2011 concerning the organization, powers and functioning of the High Council for Broadcasting and Communications (CSAC); Act No. 13/011 of 21 March 2013 concerning the establishment, organization and functioning of the National Human Rights Commission; Decree No. 09/35 of 12 August 2009 concerning the establishment, organization and functioning of the Human Rights Liaison Entity in the Democratic Republic of the Congo; and Ministerial Order No. 219/CAB/MIN/J&DH/2011 of 13 June 2011 on the establishment, organization and functioning of the Protection Unit for Human Rights Defenders, pending the adoption of the bill on the protection of human rights defenders. The eastern territories formerly in rebel hands have posed considerable challenges for the protection of human rights defenders.

47. Political parties exercise their rights to freedom of expression, association and to peaceful assembly freely, in accordance with the law in force. To date, 451 political parties are registered with the Ministry of the Interior.

Recommendations on poverty reduction and access to education and health care (recommendations 109–110, 113–114 and 116–119)

48. The Democratic Republic of the Congo has made significant progress in the spheres of education and health:

(a) In connection with education, the Democratic Republic of the Congo has developed a national education strategy covering the primary, secondary and vocational subsector, among others, which was implemented by the Interim Education Plan (2012–2014). The flagship initiative of the strategy, launched in 2010, is free primary education in public sector schools throughout the country, with the exception of Kinshasa and Lubumbashi. As a result of this initiative, the gross school enrolment rate rose from 83.4 per cent to 98.4 per cent between 2007 and 2012. Other achievements have been recorded under the strategy. These include the construction and rehabilitation of school facilities (1,000 schools, of which 128 have already been constructed and 513 are in the process of construction, 149 by the Support Project for Basic Education (PROSEB) and the construction of training centres and teacher training resources (Kinshasa, Bandundu, Kalemie, Kolwezi, Kikwit, Mbandaka, Kisangani). Moreover, the share of the national budget dedicated to education increased to 15 per cent in 2013 and 17 per cent in 2014. In addition, elementary students are provided with textbooks and teachers are provided with the educational guide. The parity index was 0.87 in 2012;

(b) As regards the health sector, please refer to paragraphs 16–18 on the right to health.

49. With regard to poverty reduction, the Democratic Republic of the Congo adopted the second generation Growth and Poverty Reduction Strategy Paper 2011–2015, which incorporates all of the Millennium Development Goals (MDG) and aligns them with State budget allocations for pro-poor spending. It has developed annual Priority Action Programmes with a view to improving implementation and makes efforts to harmonize government actions and strategies with annual budgets. Moreover, the Democratic Republic of the Congo, with the support of technical and financial partners, has established the Framework for accelerating progress towards the attainment of the Millennium Development Goals in an attempt to achieve the maximum number of MDGs by 2015 by stepping up efforts to achieve the goals adopted by 2015, namely those linked to the sectors of agriculture (MDG1), education (MDG2) and health (MDG3, 4, 5 and 6).

50. According to the national MDG progress report for 2010, the Democratic Republic of the Congo could well achieve some goals relating to combating HIV/AIDS and the empowerment of women.

51. Thanks to the efforts of the Government the Democratic Republic of the Congo was selected at the Spring Meetings held in April 2013 as one of nine countries eligible for support from the international community to develop programmes to accelerate the Education for All Initiative by 2015.

Recommendations on the call for technical assistance from the international community (recommendations 99, 108, 115 and 121)

52. The Democratic Republic of the Congo has taken a number of initiatives to restore peace throughout the country, including security and defence sector reforms; the Kampala Dialogue between the Government and M23; signature of the Addis Ababa framework agreement, development of a monitoring mechanism and holding of national consultations convened by the Head of State in September 2013; and signature of the three Nairobi declarations of 12 December 2013.

53. With regard to basic infrastructure, a number of government programmes are funded by the World Bank, the African Development Bank, the European Union, the United States Agency for International Development (USAID) and other donors. Refugees and internally displaced persons, the Ministry of the Interior, Security, Decentralization and Customary Affairs through the National Commission for Refugees collaborates closely with the competent humanitarian organizations in order to ensure the protection of internally displaced persons.

54. Moreover, Decree No. 13/008 of 23 January 2013 established the National Framework for Humanitarian Dialogue in order to ensure better coordination of humanitarian activities on the ground and better exchange between partners.

Recommendations on the sound management of natural resources and reduction of primary commodities imports (recommendations 111–112)

55. With regard to the sound management of natural resources, it should be recalled that the Democratic Republic of the Congo has acceded to the Kimberley Process, launched in 2002, which aims to combat the trade in blood diamonds. In a similar vein, it established the National Financial Intelligence Unit, which combats money-laundering, by Act No. 04/16 of 19 July 2004.

56. Moreover, the Democratic Republic of the Congo acceded to the Extractive Industries Transparency Initiative by Presidential Order No. 05/160 of 18 November 2006 concerning the establishment, organization and functioning of the National Committee on the Extractive Industries Transparency Initiative in the Democratic Republic of the Congo. In addition, by decision of the Ministry of Finance, it prohibited the exploitation of minerals at unauthorized sites.

57. Furthermore, the Government issued Interministerial Order No. 0711/CAB.MIN/MINS/01/2010 and Interministerial Order No. 206/CAB/MIN/FINANCES/2010 of 15 October 2010 on the procedural manual, traceability, mining products, extraction and exports.

58. With regard to the environment, the Democratic Republic of the Congo has strengthened the concept of forest contracts through the signature of Interministerial Order No. 001/CAB/MIN/ECNT/15/BNME/2012 and Interministerial Order No.

615/CAB/MIN/FINANCES/2012 of 15 December 2012 on the establishment and implementation of the wood production and marketing monitoring programme. These orders, also, aim to ensure the traceability of wood from cutting to sale.

59. In this connection, the Prime Minister issued Decree No. 13/016 of 31 May 2013 establishing the National Commission for Land Reform.

60. With regard to the reduction of primary commodities imports, the Democratic Republic of the Congo created five special economic zones by Decree No. 12/021 of 16 July 2012. To date, only the pilot zone in Maluku has been implemented, at a cost of $120,000,000.

61. Through the Ministry of Finance, the Democratic Republic of the Congo signed a project agreement in the context of the Strategic Partnership Along Value Chains with regard to palm oil, cotton, rice and manioc, opting to invest in agriculture to prevent dependence on foreign imports. On this basis, three agro-industrial areas have been revitalized, namely, N'sele in Kinshasa, Lukelenge in Kasaï-Oriental and Kisanga in Katanga.

V. Achievements, best practices, difficulties and constraints

A. Institutional innovations

62. The key institutional innovations are the establishment of: the High Council for Broadcasting and Communications; the Independent National Electoral Commission; 12 juvenile courts; the Protection Unit for Human Rights Defenders; the One-stop Shop for the creation of enterprises; the National Human Rights Commission; and the National Institute of Social Work.

B. Best practices

63. With regard to best practices, the signature on 4 October 2012 of the plan of action to prevent the recruitment and use of children and other grave violations of children's rights by the armed forces and security agencies of the Democratic Republic of the Congo should be noted, as should the development of the national plan of action to combat the worst forms of child labour in 2011 and the close partnership between the Democratic Republic of the Congo and its international and national partners (non-governmental human rights organizations in the context of follow-up to the universal periodic review.

64. It should also be noted that the Democratic Republic of the Congo has established special structures and mechanisms for the promotion and social welfare of vulnerable persons, including: the National Fund for the Promotion of Women and [the Protection of] Children; the National Strategic Development, Literacy and Informal Education Plan (2012–2020), which is already being implemented; the implementation strategy for the national youth policy; the training and phased deployment of 500 assistants during the period 2010–2013 in juvenile courts; the repatriation of 3,116,631 internally displaced persons by the Government, with support from human development partnership organizations, in May and June 2013 to the East and North East of the Democratic Republic of the Congo (source: Office for the Coordination of Humanitarian Affairs); the organization of training sessions to strengthen the capacities of clerks, bailiffs and criminal investigation officers, from 2010 to 2013; establishment of the National Legal Support Unit in the military justice system; the integration of courses on human rights and international humanitarian law into the training programmes of all military and Congolese National

Police academies; the creation by the Ministry of Gender, Family Affairs and Children of a database and the publication of statistical data on sexual and gender-based violence and its integration into the national human rights education programme; the organization by the Government of public awareness campaigns and the dissemination of information on the law criminalizing torture, the Child Protection Act, various laws on sexual violence, the Protection of [the Rights of] Persons living with HIV/AIDS Act; the organization of public speaking competitions on human rights in the academic sphere, with the support of the United Nations Joint Human Rights Office, the French Embassy and other partners, the winner of which was awarded a study grant for a master of advanced studies in France; the boosting of agricultural production by the provision of more than 2,735 tractors, ploughs and harrows to farmers; the rehabilitation of roads infrastructure and agricultural service roads; and the establishment of liaison bodies at the provincial level.

C. Difficulties and constraints

65. The Government has made considerable efforts to improve the situation of human rights in the Democratic Republic of the Congo. However, it is faced with a number of difficulties linked mainly to the recurrence of armed conflicts. As a result of these conflicts, the budget is limited, due to the low mobilization of public revenues, on the one hand, and, on the other hand, to the allocation of most of the available resources to the imperative need to bring peace to the country. Moreover, allocations to the social sector and the justice and human rights sector are inadequate and there are continuing grave violations of human rights and international humanitarian law. Furthermore, it is difficult to provide holistic care to the victims of sexual violence and other human rights violations and the social and economic infrastructure is destroyed. As for the constraints, it should also be noted that the country faces a considerable backlog with regard to the establishment of magistrates' courts; of the 157 planned, 74 are already operational, although these courts are only competent to hear local and municipal electoral disputes. In this context, it should also be emphasized that the non-compliance by the countries of the Great Lakes region with the commitments undertaken in the context of restoring peace and security in the Democratic Republic of the Congo and in the region should not be overlooked.

VI. Priorities, initiatives and commitments

66. In order to strengthen the human rights situation in the country, the priority focus of the Government of the Democratic Republic of the Congo is on strengthening good governance and peace; diversifying the economy; accelerating growth and promoting employment; improving access to basic social needs; building human capital; pursuing institutional reforms in the public administration, the army, the police force and the judicial system; promoting human rights; combating corruption and impunity; promoting gender; and improving the status of women and children.

VII. State expectations in terms of capacity-building and requests for technical assistance

67. The Democratic Republic of the Congo requests the support of the international community to consolidate peace, on the one hand, by eliminating negative forces and by securing the borders in the east of the country and, on the other hand, to build its human rights capacities in the following areas: strengthening the operational capacities of provincial human rights divisions and human rights liaison entities; increasing assistance to the Interministerial Human Rights Committee in order to enhance its professional profile;

strengthening the operational capacities of human rights technical education centres; establishing a compensation fund for victims of grave human rights violations and violations of international humanitarian law; building the capacity and raising the professional profile of civil society; and supporting the National Human Rights Commission until it obtains accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.